

THE WEST PAKISTAN MAINTENANCE OF PUBLIC ORDER ORDINANCE,
1960.
(W.P. Ordinance No.XXXI of 1960).

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' Substituted vide Act No.II of 2008.

THE WEST PAKISTAN MAINTENANCE OF PUBLIC ORDER
ORDINANCE, 1960.

(W.P.Ord No. XXXI)
[2" December, 1960].
AN
ORDINANCE

to amend and consolidate the law relating to preventive detention and control of persons and publications connected with the maintenance of public order in West Pakistan.

'[WHEREAS, it is expedient to amend and consolidate the law providing for preventive detention and control of persons and publications for reasons connected with public safety, public interest and the maintenance of public order in the Province of West Pakistan;]

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958, and having received the previous instructions of the President, the Governor of West Pakistan is pleased, in exercise of all powers enabling him in that behalf, to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the West Pakistan Maintenance of Public Order Ordinance, 1960.

(2) It extends to the whole of the *[Province of Khyber Pakhtunkhwa], except *[.. ..] the "[Tribal Areas].

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

(a) "Code" means the Code of Criminal Procedure, 1898; and

(b) "Government" means the Government of '[Khyber Pakhtunkhwa]

' Subs, by W.P. Ord. No.XVIII of 1964.

?_ In section-I, in sub-section (2), for the words "Province of West Pakistan" the word "North-West Frontier Province", Subs, by Khyber Pakhtunkhwa. Adaptation of Laws Order, 1975 and then substituted by the word "Khyber Pakhtunkhwa" vide Khyber Pakhtunkhwa Act No.IV of 2011.

*. Omitted by W.P. Ord. No. XXX of 1962.

4. Subs, by W. P.A O. 1964.

Preamble.

Short title and
extent.

Definitions.

3. (1) Government, if satisfied that with a view to preventing any person from acting in any manner prejudicial to public safety or the maintenance of public order it is necessary so to do, may, by an order in writing, direct the arrest and detention in such custody as may be prescribed under sub-section (7), of such person for such period as may, subject to the other provisions of this section, be specified in the order, and Government, if satisfied that for the aforesaid reasons it is necessary so to do, may, [* * *] extend from time to time the period of such detention [for a period not exceeding six months at a time.]

4[Explanation. I—For the purposes of this section—

(i) 'dealing in the black-market' or 'hoarding' as defined in the Hoarding and Black-market Act, 1948 ;or

(ii) an act of smuggling punishable under the Sea Customs Act, 1878 or the Land Customs Act, 1924 or under any other law for the time being in force,

shall be deemed to be an act prejudicial to the maintenance of public order.

Explanations- Wi—Whoever is or was a member of an association or its Executive Committee, which association is or has been declared to be unlawful under any law for the time being in force in the Province at any time during the period of seven days immediately before it was so declared to be unlawful, or remains or becomes a member of such an association or is on the Executive Committee thereof after it has been so declared to be unlawful shall be deemed to be acting in a manner prejudicial to the public safety and the maintenance of public order for the purposes of this section.]

(2) If [any] servant of Government*[, authorized in this behalf by a general or special order of Government, has reason to believe that any person within his territorial jurisdiction has acted, is acting or is about to act in a manner prejudicial to public safety or the maintenance of public order, he shall forthwith refer the matter to Government for orders.

(3) (a) An order of arrest under sub-section (1) may be addressed to a Police Officer or any other person and such officer or person shall have the power to arrest the person mentioned in the order and in doing so he may use such force as may be

Power to arrest
and detain
suspected
persons.

' In section-2, in clause (b), for the words "West Pakistan", the words "North-West Frontier Province", subs by Khyber Pakhtunkhwa A.L.O. 1975 and then substituted by the word "Khyber Pakhtunkhwa" vide Khyber Pakhtunkhwa Act No.IV of 2011.

>. Omitted by W. P. Ord. No.XVIII of 1964.

3. In section-3, in sub-section (1), at the end the word "for a period not exceeding six months at a time", inserted by W.P. Ord. No. XVIII of 1964.

4. The Original Explanation., re-numbered as (1) and Explanation No. II ins by W P Act No. V of 1964.

*. Substituted vide Khyber Pakhtunkhwa OrdNo.XXof 2002.

® Inserted vide Khyber Pakhtunkhwa OrdNo.XX of 2002.

necessary. The Police Officer or the other person, as the case may be, shall commit the arrested person to such custody as may be prescribed under sub-section (7).

(6) A Police Officer not below the rank of Sub-Inspector, if satisfied on receipt of credible information that a person against whom an order of arrest or of arrest and detention has been made under this section is present within such officer's jurisdiction, may arrest him without a warrant in the same manner as he would have done if such order of arrest had been addressed to him, 'and thereupon commit the arrested person to such custody as may be prescribed under sub-section (7), or if he receives any requisition in this behalf from the police officer or other person to whom the warrant of arrest for the person arrested is addressed, make over the custody of the arrested person to such police officer or other person]

(4) On receipt of a reference under sub-section (2) Government may—
(a) reject the reference; or
(b) make an order of arrest and detention in terms of sub-section (1).

°(5) Government shall constitute a Board consisting of a Judge of the High Court of West Pakistan, who shall be nominated by the Chief Justice of that Court, and a senior officer, in the Service of Pakistan, who shall be nominated by the Governor of West Pakistan.

(5a) No person shall be detained for a period exceeding three months unless the Board has reported, before the expiration of the said period of three months, that there is, in its opinion, sufficient cause for such detention.

(56) Where a person is to be detained for a period exceeding three months, Government shall, before the expiration of the said period of three months, refer his case to the Board.

(5c) A person whose case has been referred to the Board under the provisions of sub-section (5-b) , shall not be entitled to appear by any legal practitioner in any matter connected with the case referred to the Board.

(5d) The Board shall, after considering the material placed before it and the representation, if any, made by the person whose case has been referred to it, hearing such person, if he so desires, and calling for such further information as it may require from Government or may be placed before it by the person detained, submit its report before the expiration of the period of three months specified in

' Inserted vides W.P. Ord. No. XVIII of 1964.

2. Sub-section (5) and sub-sections 5a, 5b, 5c, 5d, 5e, 5f, substituted by W.P. Ord. No. XVIII of 1964.

sub-section (5 5), to Government whether in its opinion there is sufficient cause for the detention of such person.

(5e) The proceedings and the report of the Board excepting that part of the report in which the opinion of the Board is specified, shall be confidential.

(5f) If in any case the Board reports that there is, in its opinion, no sufficient cause for the detention of the person whose case has been referred to it, for a period exceeding three months, Government shall rescind the detention order and direct such person to be released on the expiry of the said period of three months. In case the Board reports that there is in its opinion, sufficient cause for the detention of such person, Government may, subject to the provisions of sub-section (1), continue to detain him for such period as it may deem fit.]

(6) Where a detention order has been made under this section the authority making the order shall, as soon as may be '[* * *] communicate to such person the grounds on which the order has been made, inform him that he is at liberty to make a representation to Government against the order and afford him the earliest opportunity of doing so;

Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against public interest to disclose.

*[(6 a) Where a representation is made to Government under sub-section (6), Government may, on consideration of the representation and giving the person detained an opportunity of being heard, modify, confirm or rescind the order]

(7) So long as there is in force in respect of any person an order under this section directing that he be detained, he shall be liable to be detained in such custody and under such conditions as to maintenance, discipline and punishment for offences and breaches of discipline as Government may from time to time prescribe by general or special order.

(8) If Government or *Tany servant of Government, referred to in sub-section (2),] has reason to believe that a person in respect of whom an order of arrest and detention has been passed under this section has absconded or is concealing himself so that such order cannot be executed, Government or "Tany servant of Government, referred to in sub-section (2),], as the case may be, may—

' Omitted by W.P. Ord No.XVIII of 1964.

>. Sub-section (6a), ins. by Ordinance ibid.

>. Substituted vide Khyber Pakhtunkhwa OrdNo.XX of 2002.

4. Substituted vide Khyber Pakhtunkhwa OrdNo.XX of 2002.

(a) forward a copy of the order, with a declaration that such person cannot be found, to a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides and thereupon the provisions of sections 87, 88 and 89 of the Code shall apply in respect of the said person and his property as if the order directing that he be arrested and detained were a warrant issued by the Magistrate;

(b) by order notified in the Official Gazette direct the said person to appear before such officer at such place and within such period as may be specified in the order and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply therewith and that he had within the period specified in the order, informed the officer concerned of the reasons which rendered compliance therewith impossible and of his whereabouts or taken all possible steps to give such information, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(9) Government may at any time, subject to such conditions as it may think fit to impose, release a person detained under this section and may require him to enter into a bond, with or without sureties, for the due observance of the conditions.

(10) The '[Government] or any servant of Government referred to in sub-section (2), may summon and interrogate or cause the summoning and interrogation of any person, including a person arrested or detained under this section, if in "[its or] his opinion such interrogation is likely to lead to the discovery of information which may enable the more effective exercise of powers under this Ordinance, whether in respect of the person interrogated or any other person, and the person interrogated under this sub-section shall be bound to answer truthfully all questions pertaining to the subject of the enquiry.

4. (1) Government or other authority making an arrest or directing the arrest of a person under section 3 may by order direct that the arrested person shall—

- (a) let himself be photographed;
- (b) allow his finger and thumb-impressions to be taken; and
- (c) furnish specimens of his handwriting and signature.

(2) If any person contravenes any order made under this section, he shall be punished with imprisonment for a term which may extend to six months or with

¹ Substituted vide Khyber Pakhtunkhwa OrdNo.XX of 2002.

* Inserted vide Khyber Pakhtunkhwa OrdNo.XX of 2002.

Powers of
photographing,
etc., of
suspected
persons.

fine or with both.

5. (1) Government or [any servant of Government, referred to in sub-section (2) of section 3,] if satisfied with respect to any particular person that with a view to preventing him from acting in any manner prejudicial to public safety"[or public interest] or the maintenance of public order, it is necessary so to do, may by order in writing, give any one or more of the following directions, namely, that such person—

(a) shall not enter, reside or remain in any area that may be specified in the order;

(b) _ shall reside or remain in any area that may be specified in the order;

(c) shall remove himself from, and shall not return to, any area that may be specified in the order;

3[(d) shall conduct himself in such manner or abstain from such acts, as may be specified in the order; and]

(e) — shall enter into a _ bond, with or without sureties for the due observance of the directions specified in the order.

(2) An order under sub-section (1) made by "[any servant of Government, referred to in sub-section (1),] shall not, unless Government by special order otherwise directs, remain in force for more than three months from the making thereof.

(3) Government may at any time cancel or vary any order made by the*[any such servant] under sub-section (1).

(4) An order under clause (a) of sub-section (1) made by Government may specify as the area to which the order relates, the whole Province or any part thereof, and an order made by S[any servant of Government, referred to in sub-section (1),] may specify as such area the whole district or any part thereof:

Provided that no such order made by Government shall direct the exclusion or removal from the Province of any person ordinarily resident in the Province and no such order made by '[any servant of Government, referred to in sub-section

' Substituted vide Khyber Pakhtunkhwa OrdNo.XX of 2002.

?_ In section-5, in Subsection (1), between the word "safety" and "or", the word "Or public interest", inserted by W.P. Ord. No. XVIII of 1964.

3. Clause (d), subs, by Ordinance ibid.

4. Substituted vide Khyber Pakhtunkhwa OrdNo.XX of 2002.

*. Substituted vide Khyber Pakhtunkhwa OrdNo.XX of 2002.

®. Substituted vide Khyber Pakhtunkhwa OrdNo.XX of 2002.

7, Substituted vide Khyber Pakhtunkhwa OrdNo.XX of 2002.

Power to
control
suspected
persons

(1),]shall direct the exclusion or removal from the District of any person ordinarily resident in that district.

(5) Where an order has been made under sub-section (1), the authority making the order shall, as soon as may be ^{is} *, *, communicate to such person the grounds on which the order has been made, inform him that he is at liberty to make a representation to Government against the order and afford him the earliest opportunity of doing so:

Provided that the authority making any such order may refuse to disclose facts which such authority consider it to be against public interest to disclose.

°[(5a) Where a representation is made to Government against an order passed under sub-section (1), Government may, on consideration of the representation and after giving the person affected an opportunity of being heard, modify, confirm or rescind the order.

(5 b) No order under clause (6) of sub-section (1), shall have effect for a period exceeding three months unless the, Board constituted under sub-section (5) of section 3 has reported, before the expiration of the said period, that there is, in its opinion sufficient cause for the making of such order and the provisions of sub-sections (5-b), (5-c), (5-d), (5-e) and (5-f) of section 3 shall, mutatis mutandis, apply to the reference made to the Board in regard to any such order].

(6) An order made under sub-section (1) shall remain in force for such period not exceeding two years as may be specified in the order.

6. (1) Government or any authority authorized by it in this behalf, if satisfied that such action is necessary for the purpose of preventing or combating any activity prejudicial to the maintenance of public order, may, by order in writing addressed to a printer, publisher or editor —

(a) prohibit the printing or publication in any document or class of documents of any matter relating to a particular subject or class of subjects for a specified period, or in a particular issue or issues of a newspaper or periodical;

(b) require that any matter be published in any particular issue or issues of a newspaper or periodical and may while doing so specify the

' Omitted vide W.P. Ord. No. XVIII of 1964.

>. Sub-sections (5a) and (5b), ins by W.P. Ord. No. XVIII of 1964.

Power to
control
publications.

period during which and the manner in which such publication shall take place;

(c) require that any matter relating to a particular subject or class of subjects shall before publication be submitted for scrutiny;

(d) prohibit for a specified period the publication of any newspaper, periodical, leaflet, or other publication, or the use of any press;

(e) require that the name and address of any person concerned in the supply or communication of any news, report or information be furnished to such authority as may be specified in the order;

(f) require that any document connected with the news, report or information referred to in clause(e) be delivered to such authority as may be specified in the order:

Provided that when an order is made under clause (a), (c) or (d) -

(i) no such order shall remain in force for more than two months from the making thereof;

'[(ii) * * *]

(2) Where an order has been made under sub-section (1), the authority making the order shall, as soon as may be, communicate to such person, the grounds on which the order has been made, inform him that he is at liberty to make a representation against the order to Government and afford him the earliest opportunity of doing so:

Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against public interest to disclose.

"1(2a _) Where a representation is made to Government against an order passed under sub-section (1), Government may on consideration of the representation and giving the person affected an opportunity of being heard, modify, confirm or rescind the order]

(3) In the event of disobedience of an order under this section Government or the authority issuing the order may, without prejudice to any other penalty to which the person guilty of the disobedience is liable, order the seizure of all copies

' Clause (ii), omitted by W.P, Ord. No.XVIII of 1964.

?. Sub-section (2a.), ins. by W.P. Ord. No.XVIII of 1964.

of any publication concerned and of any printing press or other instrument or apparatus used in the production of the publication:

'[Provided that no such order of seizure shall be passed without giving the printer, publisher or editor affected an opportunity of showing cause against the proposed order]

7. (1) Government or any authority authorized by it in this behalf, if satisfied that such action is necessary for the purpose of; preventing or combating any activity prejudicial to the maintenance of public order, may, by notification, prohibit for a specified period the bringing into West Pakistan or any part thereof of any newspaper, periodical, leaflet or other publication:

Provided that no such order shall remain in force for more than two months from the making thereof:

Provided further that the person against whom an order has been made may within ten days of the passing of the order make a representation to Government or the authority aforesaid which may on consideration thereof modify, confirm or rescind the order.

(2) In the event of disobedience of an order under this section, Government or the authority issuing the order may, without prejudice to any other penalty to which the person guilty of the disobedience is liable, order the seizure of all copies of any newspaper, periodical, leaflet or other publication concerned 7[:]

*[Provided that no such order of seizure shall be passed without giving the person affected an opportunity of showing cause against the order.]

8. (1) "[Government or any servant of Government, referred to in sub-section (2) of section 3,] may, by order in writing depute one or more Police Officers not below the rank of head constable, or other persons to attend any public meeting for the purpose of causing a report to be made of the proceedings.

(2) Any such order shall operate as a direction to the persons responsible for the convening or the conduct of the meeting to admit free of charge the persons so deputed.

Explanation —For the purpose of this section a public meeting is any meeting which is open to the public or to any class or portion of the public, and a

' In subsection (3) at the end the full-stop subs, by "colon", and thereafter the proviso ins, by Ord No. XVIII of 1964.

>In Section-7, in sub-section (2), at the full-stop subs, by colon and the proviso added by W.P. Ord. No. XVIII of 1964.
*_ In Section-7, in sub-section (2), at the full-stop subs, by colon and the proviso added by W.P. Ord. No. XVIII of 1964.
4. Substituted vide Khbyer Pakhtunkhwa OrdNo.XX of 2002.

Power to
prohibit entry
into West
Pakistan of
news, papers,
etc.,

Power to secure
reports of
public
meetings.

meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto is restricted by ticket or otherwise.

9 (1) Where under the provisions of this Ordinance any power is to be exercised or any order or direction given by order in writing, then that order in writing—

(a) if it is an order addressed to any servant of Government or authorizing any servant of Government to take any action, shall be given in original or by a copy to the servant of Government concerned and shall be his authority for the doing of all things which he is required or enabled to do under the order;

(b) if it is an order made in respect of or addressed to any person not being a servant of Pakistan, may be served in original or by a copy of the order on the person in respect of whom it is made or to whom it is addressed in the manner provided in the Code for the service of a summons;

(c) if it is an order addressed to the public generally, may be served by publication in such manner as the authority making the order considers best adapted for informing the persons concerned.

(2) Any person on whom an order is served as provided in clause (b) or clause (c) or sub-section (1) shall be deemed to have had notice of such order, and where the person to be served is a corporation, company, bank or association of persons the order may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it at, or sending it addressed to the corporation, company, bank or association by post, its registered office, or where there is no registered office, at or to the place where it carries on business.

(3) Where a provision of this Ordinance empowers an authority, officer or person to take action by notified order, the provisions of sub-section (1), and (2) shall not apply in relation to such order and all person whom the order concerns shall, upon its notifications, be deemed to have been duly informed of it.

10. The power to issue search warrants conferred by section 98 of the Code shall be deemed to include the power to issue warrants for—

(a) the search of any place in which any magistrate mentioned in that section has reason to believe that any offence under this Ordinance or any act prejudicial to public safety or the maintenance of public order has been, is being or is about to be committed, or that preparation for the commission of any such offence or act is being made;

Service of order
in writing.

Power to issue
search warrants.

(b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used or is intended to be used for any purpose mentioned in that clause;
and the provisions of the Code shall, so far as may be, apply to searches, made under the authority of any warrant issued and to the disposal of any property seized under this section.

11. Any authority on which any power is conferred by or under this Ordinance may by general or special order authorize any person to enter and search any place the search of which such authority has reason to believe to be necessary for the purpose of—

(a) ascertaining whether it is necessary or expedient to exercise a such power; or

(b) ascertaining whether any order given, direction made, or condition prescribed in the exercise of such power has been duly complied with; or

(c) generally giving effect to such power or securing compliance with or giving effect to any order given, direction made or conditions prescribed in the exercise of such power.

12. (1) Any authority, officer or person who is empowered by or in pursuance of this Ordinance to make any order, or to exercise any other power may, in addition to any other action prescribed by or under this Ordinance, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention of, such order, or for the effective exercise of such power.

(2) Where in respect of any of the provisions of this Ordinance there is no authority, officer or person empowered, to take action prescribed by or under this Ordinance, Government may take or cause to be taken such steps and use, or cause to be used, such force as may in the opinion of Government be reasonably necessary for securing compliance with or for preventing or rectifying any breach of such provision.

(3) The power to take steps under sub-section (1) or subsection (2) includes the power to enter upon any land or other property whatsoever.

13. Whoever contravenes any provision of this Ordinance or disobeys or neglects to comply with any order made or direction given in accordance with its provisions shall, where no express provisions is made by this Ordinance for the punishment of such contravention, disobedience, or negligence, be punished with

General power
of search.

Power to give
effect to orders,
etc.

Penalty.

imprisonment which may extend to three years, or with fine or with both.

14. Whoever abets the commission of an offence punishable under this Abetment of Ordinance shall, whether the act abetted is or is not committed in consequence of offences. the abetment, be punished with the punishment provided for the offence.

15. Where the person committing an offence punishable under this Ordinance is Offences

a corporation, company, bank or association of persons, any secretary, director or Committed by other officer or person concerned with the management thereof shall be punished pean °r with the punishment provided for the offence unless he proves that the offence was

committed without his knowledge or consent.

16. Whoever— Dissemination
of rumors, etc

(a) makes any speech, or

(b) by words whether spoken or written or by signs or by visible or audible representations or otherwise publishes any statement, rumour or report.

shall be punished with imprisonment which may extend to three years or with fine, or with both if such speech, statement, rumour, or report—

(i) causes or is likely to cause fear or alarm to the public or to any section of the public;

(ii) furthers or is likely to further any activity prejudicial to public safety or the maintenance of public order.

17. (1) Whoever, without lawful authority— Possession or conveyance of

(a) has in his possession, or on premises in his occupation or under his proscribed or control, or prohibited documents.

(b) carries for delivery to another person otherwise than through the

post,

any document in respect of which a notification under section 7 is in force, or of which the importation has been prohibited under the Sea Customs Act, 1878, or in respect of which an order of forfeiture has been made under any law for the time being in force or any document prejudicial to public safety or the maintenance of public order shall, unless he proves that he was unaware of the nature of the document, be punished with imprisonment which may extend to one year, or with fine, or with both.

(2) Whoever allows his name or address to be used to facilitate transmission through the post or otherwise to any person other than the person for whom it purports to be intended of any document of the nature referred to in sub-section (1) shall be punished with imprisonment which may extend to one year, or with fine, or with both.

18. Whoever makes or has in his possession or wears, carries or displays any uniform, flag, banner or emblem signifying, or which has been declared by Government by notification to signify association with a movement prejudicial to public safety or the maintenance of public order or with the promotion of any activity prejudicial to public safety or the maintenance of public order shall be punished with imprisonment which may extend to one year, or with fine, or with both, and any such uniform, flag, banner or emblem wherever found shall be forfeited to Government.

19. Whoever induces or attempts to induce any public servant or any servant of local authority to disregard or fail in his duties as such servant shall be punished with imprisonment which may extend to one year, or with fine, or with both.

20. (1) No person shall do any act with intent to impair the efficiency or impede the working of or to cause damage to—

(a) any building, vehicle, machinery, apparatus or other property used, or intended to be used, for the purposes of Government or any local authority;

(b) any railway (as defined in the Railways Act, 1890), tramway, road, canal, bridge, culvert, causeway, aerodrome or any telegraph, telegraph line or post (as defined in the Telegraph Act, 1885);

(c) any rolling-stock of a railway or tramway, or any aircraft;

(d) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory.

(2) The provisions of sub-section (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.

(3) If any person approaches or is in the neighborhood of any such building, place or property as is mentioned in sub-section (1) in circumstances which afford

Wearing or
display of
uniforms or
emblems.

Tampering with
public servants.

Sabotage.

reason to believe that he intends to contravene that sub-section, he shall be deemed to have attempted a contravention thereof.

(4) If any person contravenes or attempts to contravene any of the provisions of this section, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

'120-A. (1) Where a representation is received under sub-section (5) of section 5 against an order under clause (a), clause (c), clause (d) or clause (e) of sub-section (1) of section 5, Government shall if the order represented against is not rescinded or cancelled and the order is to have effect for a period exceeding three months, forward the case, including the representation, to the Board constituted under sub-section (5) of section 3.

(2) Where a representation is made to Government under the provisions of sub-section (3) of section 6 or sub-section (2) of section 7, Government shall, be as soon as may be, forward the case, including the representation, to the Board constituted under sub-section (5) of section 3.

(3) The Board shall, after considering the representation and such further information or material as may be placed before it by Government or the person making the representation, and giving such person an opportunity of being heard, submit its report together with its recommendations to Government.

(4) If the Board reports that the order against which the representation is made is unjustified, the Government shall vacate the order]

21. (1) In any area the Government may by notification direct that all the offences under this Ordinance, shall, notwithstanding anything in the Code, be tried in accordance with the procedure prescribed for the trial of summons cases by Chapter xx of the Code, subject in the case of summary trials to the provisions of sections 263 to 265 of the Code.

(2) The provisions of sub-section (1) shall apply to the trial of offences mentioned therein committed before the notification aforesaid.

22. Notwithstanding anything contained in the Code every offence punishable under this Ordinance shall be cognizable and non-bailable.

23, Except as provided in this Ordinance no proceeding or order taken or made under this Ordinance shall be called in question in any court and no civil or criminal

' Section 20-A, ins. by W.P. Ord. No.XVIII of 1964.

Representation
against certain
orders.

Procedure for
trial of offences.

Offence under

ordinance to be
cognizable and
non-bailable.

Jurisdiction of
courts barred.

proceeding shall be instituted against any person for anything in good faith done or intended to be done under this Ordinance.

24. Any order made, and any other action taken, under this Ordinance shall have effect notwithstanding anything inconsistent there, with contained in any enactment other than this Ordinance or in any instrument having effect by virtue of any enactment other than this Ordinance.

25. Nothing contained in this Ordinance shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence punishable under this Ordinance.

1126. Delegation of power to servant of Government. — Government may, by order in writing, direct that the power under sub-section (1) of section 3 shall,

subject to such restrictions, as may be specified, be exercisable by any servant of Government, authorized in this behalf by a general or special order of Government within his jurisdiction.”].

27. Government may make rules * not inconsistent with the provisions of this Ordinance, to carry into effect the purpose thereof.

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[(a)]

28. (b) The following Acts are hereby repealed: —

Ape

[@) ***]

(ii) the N. W. F. P., Public Safety Act, 1948.

*[Gii), (iv) * * *]

[wv * * *]

(2) All such orders (whether notified or not) made and directions issued under the enactments repealed under sub-section (1) as were in force immediately before the commencement of this Ordinance shall, so far as they are not inconsistent with the provisions of this Ordinance continue in force and shall be deemed to have been made and issued under this Ordinance.

' Substituted vide Act No.II of 2008.

>. For the W.P. Public Order Detenu Rules, 1962, see Gazette of West Pakistan, 1962, Pt. I, p.p. 385—391., and *ibid* Extraordinary, p. 3527.

3_ In Section-28, in subsection (1), clause (a) omitted by Khyber Pakhtunkhwa Adapt, of Laws Order, 1975.

4' In clause (b), sub-clause (i), (iv) omitted- ... *ibid*.

5_ In Clause (b), sub-clause (i), (iii), (iv) omitted vide order *ibid*.

®. Clause (v) inserted by W.P. Ord. No. IX of 1963 and omitted by Khyber Pakhtunkhwa Adapt, of Laws Order 1975.

Effect of orders,
etc.,
inconsistent
with other

enactments.

Operation of
other penal laws
not barred.

Delegation of
power to
servant of
Government.

Power to make
rules.

Repeal and
Saving.

